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Attorneys for Defendant
IONpath, Inc.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

FLUIDIGM CORPORATION, A
 DELAWARE CORPORATION; AND
 FLUIDIGM CANADA INC., A FOREIGN
 CORPORATION,

Plaintiffs,

v.

IONPATH, INC., A DELAWARE
 CORPORATION,

Defendant.

Case No. 3:19-cv-05639-WHA

**JOINT STATEMENT AND [PROPOSED]
 ORDER REGARDING DISCOVERY
 MOTION EXPENSES AND FEES PER
 ECF NO. 101**

Pursuant to Civil Local Rule 7-1 and 7-12, Defendant IONpath, Inc. (“Defendant”) and Plaintiffs Fluidigm Corporation, a Delaware corporation; and Fluidigm Canada Inc., a foreign corporation (“Fluidigm” or “Plaintiffs”), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, Defendant filed a Letter for Discovery Relief regarding Plaintiff’s response to Defendant’s Interrogatory No. 8 on June 11, 2020 (Dkt. No. 88; refiled as Dkt. No. 105-1 pursuant Dkt. 102);

WHEREAS, the Court heard the matter on June 18, 2020 (Dkt. 98), wherein the Court granted the relief requested by Defendant;

WHEREAS, the Court’s Order awarded to Defendant “its reasonable expenses incurred in making the motion, including attorneys’ fees” (Dkt. 101);

WHEREAS, the Court’s Order directed the parties to meet and confer to reach agreement, and to submit a joint statement for an entry of reasonable expenses, including attorneys’ fees (Dkt. 101);

WHEREAS, pursuant to the Declaration of Josh Furman submitted herewith, Defendant has provided to Plaintiff an accounting of its reasonable expenses including attorneys’ fees; and

WHEREAS, the parties have met and conferred, and have reached an agreement that the amount of reasonable expenses pursuant to the Court’s Order (Dkt. 101) shall be \$15,000.¹

IT IS HEREBY STIPULATED AND AGREED by Fluidigm and IONpath that the amount of Defendant’s reasonable expenses incurred in making the motion pursuant to the Court’s Order (Dkt. 101) shall be \$15,000.

¹ The amount agreed upon is without prejudice to Defendant’s right to request all appropriate, fees and costs in excess of the agreed-upon amount should the Court award fees pursuant to 35 U.S.C. 285 or other applicable authorities, and without prejudice to Plaintiffs’ right to oppose such a request and without prejudice to Plaintiffs’ right to challenge the Court’s Order on appeal.

Dated: July 23, 2020

By: /s/ Sonal N. Mehta
SONAL N. MEHTA
OMAR A. KHAN
JOSEPH TAYLOR GOOCH
JOSHUA D. FURMAN
WILMER CUTLER PICKERING
HALE AND DORR LLP

Attorneys for Defendant IONpath, Inc.

Dated: July 23, 2020

By: /s/ K. Lee Marshall
K. LEE MARSHALL
ABIGAIL COTTON
DAVID A. ROODMAN
DANIEL P. CRANE
BRYAN CAVE LEIGHTON PAISNER LLP

*Attorneys for Plaintiffs Fluidigm Corporation
and Fluidigm Canada Inc.*

Pursuant the Court's Order Compelling Fluidigm To Provide a Supplemental Response to IONpath's Interrogatory No. 8 Regarding Embodying Products (Dkt. No. 101), Plaintiffs Fluidigm Corporation and Fluidigm Canada Inc. ("Fluidigm") shall pay Defendant IONpath, Inc, the amount of \$15,000 in satisfaction of Fluidigm's requirement to pay IONpath's reasonable expenses pursuant to the Court's Order (Dkt. 101). The amount shall be paid 21 days from the entry of this order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Honorable William Alsup
United States District Judge

SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing
JOINT STATEMENT AND [PROPOSED] ORDER REGARDING DISCOVERY MOTION
EXPENSES AND FEES PER ECF NO. 101. Pursuant to Civil Local Rule 5-1(i), I hereby attest
that the other signatories have concurred in this filing.

Dated: July 23, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2020, I electronically filed the above document with the
Clerk of the Court using CM/ECF which will send electronic notification of such filing to all
registered counsel.

Dated: July 23, 2020

By: /s/ Sonal N. Mehta
Sonal N. Mehta